

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

**This document relates to:**

*City of Henderson, Kentucky et al. v. Purdue  
Pharma L.P., et al.,*  
*3:19-cv-67 (W.D.Ky.)*

**MDL No. 2804**

**Case No. 17-MD-2804**

**Judge Dan Aaron Polster**

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**NOTICE of SUBMISSION of  
MOTION to REMAND to STATE COURT**

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By order of the Joint Panel on Multidistrict Litigation, this case was transferred to the U.S. District Court for the Northern District of Ohio for further proceedings.<sup>1</sup> At the time of the transfer, Plaintiffs' Motion to Remand for lack of subject matter jurisdiction was pending before the U.S. District Court for the Eastern District of Kentucky ("E.D.Ky. Court"). The motion was fully briefed and submitted for resolution on November 22, 2019.<sup>2</sup> However, the E.D.Ky. Court declined to address the merits of the motion—i.e. whether subject matter jurisdiction existed—and instead deferred any such resolution to this Court.

**WHEREFORE**, Plaintiffs respectfully request the Court take their motion under consideration and grant their request to remand for lack of subject matter jurisdiction—thereby preventing any further delay and prejudice to Plaintiffs' prosecution of their state law claims.

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<sup>1</sup> See Dkt. 3152.

<sup>2</sup> See Exhibit A: Remand Briefing (pdf portfolio).

Date: February 10, 2020

Respectfully Submitted,

s/ Michael D. Grabhorn

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